

**DEPARTMENT OF LAND AND NATURAL RESOURCES ORDER:  
CLOSURE OF (1) PORTION OF KEALAKEKUA BAY AND  
(2) PORTION OF KEALAKEKUA BAY STATE HISTORICAL PARK**

WHEREAS, an earthquake on October 15, 2006, resulted in a rock fall at Kealakekua Bay, from the Pali (cliffs) at the Kealakekua Bay State Historical Park, and falling rocks continue to threaten lives and property within the bay;

WHEREAS, the Pali is currently an unstable area that threatens lives and property not only in Kealakekua Bay but also at the Kealakekua Bay State Historical Park;

WHEREAS, despite the danger to persons and property, the public continues to gain access to these hazardous areas from the ocean and from Kaawaloa Flat within the state park;

WHEREAS, the Department of Land and Natural Resources ("department") manages and controls public lands, coastal areas, and the state's ocean waters, and manages and administers the state parks program, under Hawaii Revised Statutes, section 171-3;

WHEREAS, pursuant to the Governor's Proclamation issued on October 15, 2006, directing all state and county agencies and officers to cooperate and extend their services, materials, and facilities as may be required to assist in all efforts to eliminate danger to the public, the department and its officers are authorized to take such action and measures for civil defense and emergency functions as may be necessary;

WHEREAS, pursuant to Hawaii Administrative Rules, section 13-146-4, land within the state park system may be closed to the public when necessary for the protection of the area or the safety and welfare of persons or property;

WHEREAS, pursuant to Hawaii Administrative Rules, section 13-231-12, the department may, when necessary and proper and after reasonable notice, withdraw the use of any small boat facility as may be reasonable under the circumstances; and

WHEREAS, on October 17, 2006, the U.S. Coast Guard issued a press release informing the public that the U.S. Coast Guard Captain of the Port had established a safety zone within the confines of Kealakekua Bay, resulting in a temporary closure of Marine Life Conservation District Subzone A of the bay, due to safety hazards associated with falling rocks along the coastline;

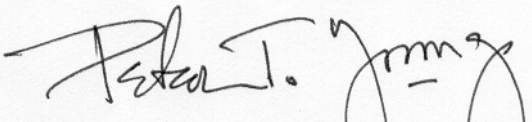
NOW, THEREFORE, the Department of Land and Natural Resources orders (1) the creation of an ocean safety zone within the ocean waters of Kealahou Bay that shall be closed to the public, and (2) the closure to the public of certain land within the Kealahou Bay State Historical Park, consisting of the Pali and Kaawaloa Flat, until such time that the department determines that the closed ocean waters and land may be safely reopened for public use.

The boundary of the ocean safety zone shall run, beginning at the Captain Cook Monument, in an alignment on the ocean waters of the bay from the monument to the Hikiau Heiau; and then from the Hikiau Heiau turning north and following the shoreline at the Pali until reaching the beginning point at the Captain Cook Monument.

The closed land area at Kealahou Bay State Historical Park consists of all of Pali o Manuahi above Hikiau and Pali Kapu o Keoua (to the ocean) above the bay to the north and over Kaawaloa, including the face of the cliffs and up to 300 feet inland from the edge of the cliffs, and Kaawaloa Flat.

All of the described ocean safety zone and park land shall be closed to all public use, including but not limited to vessels and persons engaging in ocean recreation in the bay and park visitors, until reopened to the public by the department.

Persons who enter the ocean safety zone or closed area of the state park are subject to punishment as provided by law.

  
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Peter T. Young, Chairperson  
Department of Land and Natural Resources

October 26, 2006